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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,861	02/08/2001	Hiroshi Aoki	086142/0452	6173

7590

12/31/2002

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EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/778,861

Applicant(s)

HIROSHI, ET AL

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto, et al (6,371,513) in view of Fujita, et al (5,074,583).

Fujimoto, et al discloses a seat occupant detection system comprising a seat weight sensor 14; and a human body proximity sensor 13; means for determining the presence of the passenger on the seat and; wherein said means for determining utilizes an output from the seat weight sensor and an output from the human body proximity sensor. The proximity sensor of Fujimoto, et al does not detect the proximity of the human body when a passenger is being seated in the posture leaning against the door of a vehicle (see Col. 7, lines 21-32). Regarding claim 3, Fujimoto, et al teaches the means for determining is configured to determine that there is no passenger when the output of the seat weight sensor is not more than a first threshold.

Fujimoto, et al discloses the claimed invention except for discriminating the type of passenger on the seat. Fujita, et al teaches an airbag system having seat sensors that discriminate the type of passenger on the seat such as an adult, a child, or a child seat mounted on the seat. Based on the teachings of Fujita, et al, it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to modify the system of Fujimoto, et al to have a seat sensor that discriminate the type of passenger on the seat to properly control the deployment of the airbag. With respect to claim 2, Fujimoto, et al discloses the claimed invention except for a plurality of proximity sensors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Fujimoto, et al to include a plurality of proximity sensors, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

### ***Response to Arguments***

3. Applicant's arguments filed October 18, 2002 have been fully considered but they are not persuasive. The applicant argues "Fujita does not disclose that the sensors 35 can discriminate the type of passenger on a seat", however by definition the sensors of Fujita does constitute a distinction between the type of passenger on a seat. With respect to Fujita differentiating between a 50-pound child and a 20-pound child is not a limitation stated in the claims; it is the claims that define the claimed invention not specifications that are anticipated or unpatentable. The applicant argues the proximity sensor of Fujimoto cannot discriminate between a child leaning against the door and a child seat or other object, again it is the claims that define the claimed invention not specifications that are anticipated or unpatentable. The applicant claims "a first human body proximity sensor detects the proximity of the human body when the passenger is being seated in a posture leaning against the door"; the examiner notes Column 8, lines 47-51 to Fujimoto teaches detecting an occupant leaning against a door. With respect to claim 2, again it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to modify the system of Fujimoto, et al to include a plurality of proximity sensors, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

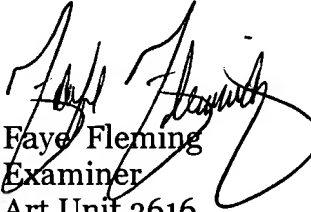
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Faye Fleming  
Examiner  
Art Unit 3616  
12/30/02

  
ERIC CULBRETH  
PRIMARY EXAMINER  
12/30/02